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14 Attorney for Plaintiffs California Coalition for Families and Children, Inc. and  
15 Lexevia, PC

16 UNITED STATES DISTRICT COURT  
17 SOUTHERN DISTRICT OF CALIFORNIA

18 CALIFORNIA COALITION FOR  
19 FAMILIES AND CHILDREN, et al.,

20 Plaintiffs,

21 v.

22 SAN DIEGO COUNTY BAR  
23 ASSOCIATION, et al.,

24 Defendants

Case No. 13-cv-1944-CAB (BLM)  
Judge: Hon. Cathy Ann Bencivengo

NOTICE OF MOTION TO STRIKE  
MATTER SUBMITTED IN SUPPORT  
OF DEFENDANTS' MOTION TO  
DISMISS

Date: December 19, 2013  
Time: 3:30 p.m.  
Courtroom: 4C

ORAL ARGUMENT REQUESTED  
SUBJECT TO COURT APPROVAL

Complaint Filed: August 20, 2013

25 TO DEFENDANTS the San Diego County Superior Court, Robert J.  
26 Trentacosta, Michael M. Roddy, Lisa Schall, Lorna A. Alksne, Christine K.  
27 Goldsmith, Jeannie Lowe, William H. McAdam, Jr., Edlene C. McKenzie, and Joel  
28 R. Wohlfeil ("DEFENDANTS"):

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2 PLEASE TAKE NOTICE that on December 19, 2013, at 3:30 p.m., or as soon  
3 thereafter as the matter may be heard in the above-entitled Court, located at 221 West  
4 Broadway, San Diego, California, Plaintiff COLBERN C. STUART will move the  
5 Court pursuant to Federal Rule of Civil Procedure 12(f) to strike pleadings and matter  
6 submitted in support of DEFENDANTS' Motion to Dismiss Complaint as follows:

- 7
- 8 1. The Request for Judicial Notice and all Exhibits thereto;
  - 9 2. The Declaration of Kristine P. Nesthus; and
  - 10 3. Sections of the Motion to Dismiss Complaint:
    - 11 ▪ § IV.C (11<sup>th</sup> Amendment Immunity Affirmative Defenses);
    - 12 ▪ § IV.D (Judicial Immunity Affirmative Defenses);
    - 13 ▪ § IV.E (Quasi-Judicial Immunity Affirmative Defenses);
    - 14 ▪ § IV.B ("Bucket of Mud" Attack);
    - 15 ▪ § IV.A.1 (Corporate Plaintiffs' Capacity); and
    - 16 ▪ § IV.F.1 (Immaterial and Impertinent Arguments Under Rules 12(c), (e),  
17 (f), Rule 9(b)) (II.D.2, 3 supra).

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19 This Motion will be made on the grounds that such matter constitutes an  
20 insufficient defense, is immaterial, impertinent, or scandalous matter.

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22 This Motion will be based on this Notice of Motion and Motion, the  
23 Memorandum of Points and Authorities in support hereof, the Opposition to  
24 Defendants' Motion to Dismiss Complaint, the Declaration of Colbern C. Stuart

1 in Support of Motion to Strike/Opposition to Motion to Dismiss Complaint, and all  
2 pleadings and papers on file with this Court.

3  
4 Respectfully Submitted

5 DATED: November 7, 2013

6 By: /s/ Colbern C. Stuart, III

7 Colbern C. Stuart, III, President,  
8 California Coalition for Families and  
9 Children  
10 in Pro Se

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